

# Special Education Advisory Panel Minutes August 3, 2006

## Members Present

Bev Woodhurst  
DeAnn Fiedler  
Ray Wicks  
Nina Murphy  
Dorothy Parks  
Melodie Friedebach

Martha Crabtree  
Mary Kay Savage  
Jeaneal Alexander  
Patti Simcosky  
Melissa Frazier  
Eileen Huth

Trish Grassa  
Joan Zavitsky  
Lynda Roberts  
Steve Viola

### Members Not Present

Kristen Callen  
Amanda Coleman  
Cathy Einhorn  
Doreen Frappier

Deb Hendricks  
Pat Jackson  
Kim Oligschlaeger  
Ken Southwick

Theresa Valdes  
Shirley Woods

## DESE Staff Present

Pam Williams

Margaret Strecker

## Guests

Eric Remelius

Copies of handouts distributed at the meeting are available at:

<http://dese.mo.gov/divspeced/Administration/AdvisoryPanel/94142meetings.html>.

**Call to Order/Introductions/Approval of Minutes** – Bev Woodhurst called the meeting to order at 8:45 a.m. Mary Kay Savage indicated that under the Public Comment report section, the second to the last bullet should be changed to read “possibly have some recording costs” and a new bullet should be added indicating that “MPACT offered their assistance in finding meeting locations and/or facilitators”. Ray Wicks made a motion to approve the minutes with the above change. Lynda Roberts seconded the motion. Motion passed.

**Presentation by Commissioner King** – Melodie Friedebach introduced Commissioner Kent King to the panel. The Commissioner thanked the panel for the work they are doing and indicated, since the panel is advisory, DESE occasionally does not take the Panel’s advice but he is very interested in what people have to say. The Commissioner discussed the following items with the panel:

- The Commissioner has been studying the on-going efforts recommended by the Governor's Review Committee. They are trying to determine the best way possible to provide services to Missouri children, specifically looking at Missouri for the Deaf, Missouri School for the Blind, and State Schools for Severely Handicapped.
- The U. S. Department of Education will soon be releasing the new regulations. The length of this document reflects one of his biggest frustrations with special education and contributes to more criticism from state legislators regarding special education. The issue being all of the paperwork that is required for teachers and how much they believe that it takes away time from teaching kids. Is it really in the best interest of students with disabilities?
- The 4<sup>th</sup> cycle MSIP reviews will focus on areas of greatest need for student performance. Staff from the Division of Special Education have been working with the MSIP staff trying to determine where items can be merged together. Only a limited number of schools will receive a full scale review. Many schools will receive a waiver. Some districts may receive a waiver from MSIP but still be required to have a focused monitoring review from the Division of Special Education.
- No Child Left Behind (NCLB) has brought about a totally different way to look at school performance. He shared some interesting facts. Missouri has 524 school districts. St. Louis City is the largest with

36,000 students. The smallest district only has 31 students. The median is 664 students. Thirty-eight districts have over half of our students.

- Standards for highly qualified teachers are mandated under NCLB. DESE developed the High Objective Uniform State Standard of Evaluation (HOUSSE) rule to help Missouri meet the federal law.
- Melodie Friedebach will be retiring later this year. There has been some discussion within DESE of possibly reorganizing some Divisions. No decisions have been made.

Dorothy Parks asked the Commissioner about the secondary transition issue and IDEA. The Commissioner indicated he was unsure what the new regulations would say. Melodie Friedebach indicated that some of the career education centers are raising the standards which is making it harder for students with disabilities to go to career education centers. Melodie recently talked with and asked Nancy Headrick, Assistant Commissioner for the Career Education Division to look into this issue. Melodie also talked with Jeanne Lloyd, Assistant Commissioner for Vocational Rehabilitation (VR) to try and get better information from VR. Nina Murphy suggested someone review the program in the state of Washington.

Ray Wicks asked about parentally placed students in private schools and how they fit in. The Commissioner indicated that DESE is trying to develop more venues to provide services through the public schools including the new virtual school.

### **Old Business**

**Formal Recommendation #9** – Data will be compiled by the October meeting.

**Formal Recommendation #12** – Mary Kay Savage indicated their subcommittee is waiting to see what happens with the state regulations.

**Formal Recommendation #13** – Mary Kay Savage suggested a subcommittee review and determine what action if any they may recommend.

Ray Wicks commented that he feels the panel's role, based on the Commissioner's discussion, is to be advisory and DESE is the final decision maker. Mary Kay Savage indicated that she feels the real issue is that the panel is not receiving the information soon enough to be able to advise DESE. Patti Simcosky agreed with Ray's comment that the panel is advisory and indicated she felt the panel has gotten information when it has been asked for. Joan Zavitsky indicated that a concern of some panel members was regarding items that occur between panel meetings related to students with disabilities. How best to get that information to the panel or subcommittees between meetings so that the panel/subcommittees have sufficient time to review and make recommendations if needed. Melodie Friedebach agreed that there are sometimes timing issues but that the entire public has sixty days to comment on state regulations. The comment period may fall though in such a way as to not allow the entire panel to have time to meet and discuss. If this is the case, should the information be sent to the entire panel or only the rules and regulations subcommittee? Joan Zavitsky suggested this be discussed further after Margaret Strecker and Pam Williams present on the IEP.

**Naming of Custodian of Records** – After a brief discussion, Mary Kay Savage made a motion that the panel's current secretary be the custodian and records. Eileen Huth seconded the motion. Motion passed. When DESE receives a records request, it will be sent to the panel's custodian of records for response (response required within three days).

**Adoption of Notices of Open Meetings** – Joan Zavitsky made a motion to adopt both notices of open meetings (panel and subcommittees) reviewed at the last panel meeting. Trish Grassa seconded the motion. Motion passed.

### **DESE Update**

**IEP Section of State Plan and Standards and Indicators Manual** – Pam Williams indicated that DESE did get notification that the final regulations would be released today. A SELS message will be sent regarding the final regulation and will give the web address where they are located. Staff at DESE will be reviewing the final regulations thoroughly and will determine what changes are needed in state regulations. Once DESE determines what changes are needed to the state regulations, there will be a sixty day public comment period (including

public hearings). Comments will be reviewed and presented to the State Board of Education for their approval. After approval from the State Board, the final state regulations are sent to the Administrative Rules Division and Joint Committee on Administrative Rules in addition to the Secretary of State for filing.

Pam indicated that statutes contain certain language, regulations often elaborate and clarify what the statute's intent is, and the Standards and Indicators Manual (Division's monitoring document) goes into even more detail to convey expectations during district monitoring.

Margaret Strecker reviewed the changes that were made last year to the IEP section of the Missouri State Plan (handout). In that document, the bold/blue items were added and the red/bracketed items were deleted. A question was asked about the meaning of the word "functional" on page 36. Could more clarification be given as to what is meant by functional?

Mary Kay Savage asked about the summary of performance. DESE does not view the summary of performance as part of the official IEP. It is provided to the parent/child at graduation or upon exiting the system. There are certain things that are required in the summary of performance. It was included in training for IDEA 2004 but DESE has not given districts specific guidance or a sample form.

Ray Wicks indicated that it is required that the nonpublic school representative be present or be notified of the IEP meeting and ask if the nonpublic school member be excused in the individual service plan since they are required to attend? There would be no way for the public school to require the private school representative to attend; the district must invite them to attend. Pam indicated this will be reviewed. Martha Crabtree asked if districts have an obligation to do a summary of performance for students who have earned their GED. She would also like a clearer definition especially in a nontypical situation such as with Department of Corrections or Division of Youth Services. Lynda Roberts also agreed that clearer guidelines are needed.

**MSIP Advanced Questionnaire Parent Response Information** – Five years of information was emailed to panel members prior to the meeting. The report contained over 34,000 parent responses from the parent questionnaires sent out as part of a district's MSIP process. The data is disaggregated by all parents and by parents of a student with a disability.

Joan Zavitsky asked if the public comment subcommittee was going to review this information. She suggested that this information may be helpful to them and would they really need to proceed with the public forums. Would this information give them what they are looking for? Melodie added that DESE can also provide advanced questionnaire data for teachers. If the subcommittee has questions regarding the data, DESE will try to answer or get a statistician to answer.

**Orientation for New Panel Members** – Pam Williams indicated she is waiting for a response from NCRRC. The plan is to have an orientation meeting on October 12, the day before the next panel meeting. Once the arrangements have been made and email will be sent to panel members. The orientation is open to all panel members in addition to the new members.

**Virtual Schools** - Melodie indicated that last year's legislative session required DESE to create a virtual school (K-12). DESE hired Kurt Fuchs to head the effort. It will be a DESE school. DESE is gathering information from other states that have virtual schools. Students do not have to be enrolled in a public school to enroll in the virtual school but must apply to take courses. There are no funds available for the virtual school but funds will be appropriated next spring to start on July 1, 2007. Currently, about 25-30 states operate a virtual school.

**Severe Disabilities Study** – Melodie Friedebach indicated that DESE has been in the process the last couple years of studying students served at MSD, MSB, and SSSH. Studies have already been done on students who are blind/visually impaired and who are deaf/hard of hearing. The most recent study is for students with severe disabilities. Melodie handed out information from the Request for Proposal (RFP) for the bid for the severe disabilities study. The contractor will be developing a survey and focus questions. Selected districts will be contacted letting them know they will be asked to assist in providing this information. DESE hopes to have the information back by the end of October. Surveys will be sent to all parents that had students enrolled in the

selected district the year before. Special School District will have a random selection of parents from about 25 percent of students. Parents will also be selected at random at SSSH.

## **Working Lunch - Subcommittee Meetings**

### **Subcommittee Reports**

**Evaluation** – Lynda Roberts indicated that the final draft annual report for the past fiscal year was emailed to the panel. Lynda did not receive any comments or questions prior to this meeting. Jeaneal Alexander made a motion to approve the annual report as written. DeAnn Fiedler seconded the motion. Motion passed. Lina Browner will post/send annual report as required.

**Rules and Regulations** – Ray Wicks discussed with panel members their thoughts on how best to review the proposed changes to the state regulations. It was suggested that panel members may want to have a role in the public comment sessions for the state regulation changes. Melodie estimated the public comment period would be around February or March. It was decided that two to three topics will be covered at the October and December panel meetings. Topics for future discussion could include: procedural safeguards, issue of evaluation and response to intervention, private school students, DESE responsibilities, LEA responsibilities, and funding.

**Monitoring** – Mary Kay Savage indicated their subcommittee had nothing to report.

**Programs** – Martha Crabtree thanked Pam Williams and Margaret Strecker for their discussion on the IEP section of the State Plan. She felt the questions and comments were very well received and that it was very useful.

Martha suggested some topics for future meetings. They included: (1) inviting Michael Muenks to the December panel meeting to give an update on how the MAP-A training sessions are going and how they are being received; (2) further discussion on the incentive grants for districts; (3) information regarding exit exams; (4) updates on the severe disability survey; and, (5) comments DESE will receive during the public comment period for the state regulation changes.

**Nominations** – Trish Grassa indicated their subcommittee had nothing to report.

**Public Comment** – Jeaneal Alexander indicated the subcommittee would like to review some data from DESE before determining the exact direction of the public forums. Possible information could include survey data from MSIPs regarding special education, due process and child complaint information, division phone logs, post secondary outcome data, state performance plan indicators, and any other data DESE feels may be helpful. Reviewing data already available could better assist the subcommittee in determining the direction/topics for the public forums. It was suggested the public comment subcommittee meet the morning before the October 13 panel meeting so that DESE staff may be present to review/discuss the available data (orientation for panel members will be held the afternoon of October 12 in Jefferson City at the Truman Building). Bev will contact Cathy Einhorn, subcommittee chair, regarding what was discussed today. Jeaneal made a motion that the subcommittee review available data from DESE before planning for the public forums. DeAnn Fiedler seconded the motion. Motion passed.

Ray Wicks indicated that the public forum idea started with a sense that parents do not have an adequate voice and their issues were not being heard. It was felt this would be a way of inviting people to a place to get their comments. He felt it could be a valuable vehicle for getting information and demonstrates to the public a willingness to hear their comments. Mary Kay Savage indicated that MPACT does also have some data that could be reviewed by the subcommittee.

### **Member Issues/Reports**

**Changes to the Panel's By-laws** - The by-laws subcommittee currently has only one member. It was suggested that the by-laws fall under the evaluation subcommittee. Discussion regarding possible changes to the by-laws at the October panel meeting.

**Adjournment** – Melodie Friedebach made a motion to adjourn the meeting. Joan Zavitsky seconded the motion. Motion passed. Meeting adjourned at 2:45 p.m.